

1979 WL 42831 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

March 1, 1979

***1 RE: Senate Bill No. 2**

Honorable Rembert C. Dennis
Chairman
Senate Finance Committee
P.O. Box 142
Columbia, S.C. 29202

Dear Senator Dennis:

You have requested the opinion of this Office as to the constitutionality of Senate Bill No. 2, copy attached, concerning the submission of the annual budget report from the Budget and Control Board and procedures setting time limits for movement of the annual Appropriations Bill through the General Assembly. You have specifically inquired whether the Bill is in conflict with Article III, Section 12 or other provisions of the Constitution of South Carolina that might be applicable.

It is the opinion of this Office that the Bill is not in contravention of the Constitution and, if enacted, would be valid and binding.

The effect of the Bill would be to modify application of the current Rules of the House and Senate but would not constitute an amendment or change to the Rules themselves. As indicated by the Supreme Court in the case of [State v. Lewis, 181 S.C. 10, 186 S.E. 625 \(1936\)](#), application of a rule may be affected by other means than amendment of the Rules themselves, but each house has the absolute constitutional right to amend its own rules at any time.

As stated in [Hesley v. State Highway Department, 171 S.C., 186, 171 S.E., 913, 915](#), 'It has always been, and is now, the law that the General Assembly may enact any act it desires to pass, if such legislation is not expressly prohibited by the Constitution of this state, or the Constitution of the United States.' Presently no rule of either House appears to contravene the proposed procedure of Senate Bill No. 2.

We have also been asked to comment upon the point that the Bill might be considered one concerning revenue within the meaning of Article III, Section 15, which would require that it be originated in the House. It is the opinion of this Office that the Bill is not 'for raising revenue' but is a procedural Bill and is not proscribed by Article III, Section 15.

The Bill, if enacted, would be binding until repealed or amended, or until either house amended its rules to override the procedures set out in Senate Bill No. 2.

The Attorney General has authorized me to state that he concurs in this opinion.

Sincerely,

Frank K. Sloan
Deputy Attorney General

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